



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region

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August 14, 2006

CERTIFIED MAIL

7006 0100 0002 8367 2521

In reply refer to:

CWU:10-3042741:clemc

Donald A. Phillips
Superintendent
Poway Unified School District
13626 Twin Peaks Road
Poway, CA 92064

Dear Mr. Phillips:

**COMPLAINT NO. R9-2006-0105 FOR ADMINISTRATIVE CIVIL LIABILITY AGAINST
POWAY UNIFIED SCHOOL DISTRICT FOR VIOLATION OF WATER CODE § 13376
AND STATE BOARD ORDER NO. 99-08-DWQ, GARDEN ROAD ELEMENTARY
SCHOOL, WDID NO. 9 37C342741**

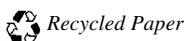
Enclosed find Administrative Civil Liability Complaint No. R9-2006-0105 against the Poway Unified School District (District) for the Garden Road Elementary School construction site located at 14614 Garden Road, WDID No. 9 37C342741. The Complaint in the amount of \$32,800 is for violations of Water Code section 13376 and California State Water Resources Control Board (State Board) Order No. 99-08-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity* (General Permit).

Waiver of Hearing

The District may elect to waive its right to a hearing before the California Regional Water Quality Control Board, San Diego Region (Regional Board). Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$32,800 as set forth in the Complaint. For the Regional Board to accept the waiver of the District's right to a public hearing, the District must submit the following by 5 P.M., Wednesday, September 13, 2006:

1. The enclosed waiver form signed by an authorized agent of the District;
2. A check for the full amount of civil liability of \$32,800 made out to the California State Water Resources Control Board; and
3. Verification that the enclosed public notice has been published in a newspaper circulated in the Poway area.

California Environmental Protection Agency



Please note that any waiver will not be effective until reasonable opportunity for public participation has been provided for pursuant to federal NPDES regulations (40 Code of Federal Regulations [CFR] Parts 122, 123, and 124). Waivers submitted after September 13, 2006 will not be accepted.

Public Hearing

If the District does not elect to waive its right to a public hearing, a hearing is tentatively scheduled to be held at the Regional Board meeting on November 8, 2006. The meeting is scheduled to begin at 9 A.M. If the District intends to present any written exculpatory evidence, or written evidence in mitigation at the hearing in response to Complaint No. R9-2006-0105, it must be received by 5 P.M. November 1, 2006 in order to be considered by the Regional Board at the public hearing.

The *Submittal of Written Information Procedures* further describing the written materials and prescribed submittal dates required by the Regional Board and *Hearing Procedures* for the public hearing will be mailed to you not less than 30 days before the hearing date. An agenda for the hearing will also be mailed to you approximately 10 days before the hearing date.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

The Regional Board has no other comments on the above-mentioned complaint at this time. Please contact Chiara Clemente of my staff at (858) 467-2359 or cclemente@waterboards.ca.gov if you have any questions concerning this matter.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

JHR:mpm:cmc

- Attachments: 1. ACL Complaint No. R9-2006-0105
2. Waiver of Hearing Form
3. Public Notice of Waiver of Hearing
4. Regional Board Inspection Report, July 26, 2006
5. Regional Board Inspection Report, August 9, 2006

Copy with Enclosures to:

1. Ellen Blake, US EPA Region IX
2. Mike Derouin, Poway Unified School District
3. Danis Bechter, City of Poway
4. Pamela Mark, Soltek Pacific
5. Myrna Taylor, Soltek Pacific